

December 2, 2014  
Antelope County Board  
Neligh, Nebraska

The Antelope County Board of Supervisor's convened in regular session on Tuesday, December 2, 2014 at 9:04 AM in the County Supervisor's room, Antelope County Courthouse annex, Neligh, Nebraska. Meeting called to order by Chairman Schwager with the following board members responding to roll call: Kerkman, Baker, Williby, Henery and Schwager. Bolling appeared at 9:08 AM and Brandt appeared at 9:10 AM. Chairman Schwager stated that the open meeting laws are posted on the east wall of the Supervisor's room with more copies available at the County Clerk's office.

Notice of the meeting was given in advance thereof by publication in the four county newspapers, legal newspapers printed and in general circulation in Antelope County, Nebraska as shown by proof of publication filed in the County Clerk's office. Agenda for said meeting was sent to all members of the County Board of Supervisor's.

The following correspondence was reviewed and placed on file: NIRMA's Safety Shorts Volume 2, Number 12 dated December 1, 2014; miscellaneous receipt showing \$1,173,064.74 from FEMA has been deposited in the Road and Bridge fund at the county treasurer's office; miscellaneous receipt showing \$6,716.00 from NIRMA has been deposited in the county treasurer's office this money was the additional dividend withheld until the county signed the resolution recommitting for another three year membership in NIRMA/II; and letter from JEO Consulting Group regarding the one year warranty for the 516 Avenue Grading and Erosion Control with Rutjens Construction as the contractor.

Motion by Henery, seconded by Williby appointing Randy Christiansen, Galen Bergh and Chris, VanKirk as members of the Crawford Township board. Those voting aye: Bolling, Brandt, Kerkman, Baker, Williby, Henery and Schwager. Nays none. Motion carried.

Motion by Henery, seconded by Kerkman authorizing Chairman Schwager to sign the application for Permit to Move Structure submitted by Wardcraft Homes, Inc. to move a 28' X 64' house through Antelope County with Center, Nebraska as the final destination; said move to take place on December 15, 2014. Those voting aye: Brandt, Kerkman, Baker, Williby, Henery, Bolling and Schwager. Nays none. Motion carried.

Discussed hiring a custodian for the courthouse. Chairman Schwager will ask Eddie Schindler if he intends to continue as the custodian after he takes offices as a County Supervisors on January 8, 2015. No action taken.

Motion by Kerkman, seconded by Baker to approve the October 7, 2014, October 14, 2014, November 3, 2014 and November 10, 2014 regular board minutes and the October 7, 2014 and November 10, 2014 Board of Equalization minutes. Those voting aye: Kerkman, Baker, Williby, Henery, Bolling, Brandt and Schwager. Nays none. Motion carried.

When the payment of the Highway Allocation Bond in the amount of \$1,503,000.00 was sent to Smith Hayes in September they did not stipulate that they needed two checks sent to them with each check being written for \$751,500.00. Two checks were sent to them one in the amount of \$750,000.00 from the Road and Bridge Fund and another check written for \$753,000.00 from the Inheritance Fund. Smith Hayes representatives sent the checks back requesting that the checks be resubmitted in equal amounts. The warrant for this transaction was already given to the County Treasurer's office and the money deposited in the bank. As per Smith Hayes request two equal checks were written for the amount indicated. This made the money asked for by the county clerk between the Road and Bridge and the Inheritance funds off by \$1500.00 each. To correct this error the county clerk asked the board to authorize her to make a transfer between the two funds. Motion by Kerkman, seconded by Williby authorizing the county clerk to transfer funds between the Road and Bridge and the Inheritance. Those voting aye: Baker, Williby, Henery, Bolling, Brandt, Kerkman and Schwager. Nays none. Motion carried.

Motion by Henery, seconded by Williby authorizing Chairman Schwager to sign the Flexible Benefits Plan Amendment, the Summary of Material Modifications and the Certificate of Adopting Resolution regarding the

county employee's Section 125 plan. Those voting aye: Williby, Henery, Bolling, Brandt, Kerkman, Baker and Schwager. Nays none. Motion carried.

## **FLEXIBLE BENEFITS PLAN AMENDMENT**

### **ARTICLE I PREAMBLE**

- 1.1 **Adoption and effective date of Amendment.** The Employer adopts this Amendment to the Antelope County Section 125 Plan (enter name of Plan) ("Plan") to reflect additional permitted election change rules that allows Participants to change their participation in Employer-sponsored health insurance to:
- Begin participation during open enrollment of a Marketplace Qualified Health Plan (QHP) as outlined by the Affordable Care Act (ACA).
  - Revoke coverage if Participant is moved from full-time status (at least 30 hours of service per week) to part-time status (less than 30 hours of service per week) and seek coverage in another plan that provides minimum essential coverage.
- 1.2 The Employer and plan sponsor intend this Amendment as good faith compliance with the requirements of this provision. This Amendment shall be effective on or after the date the Employer elects in Section 2.1 below.
- 1.3 **Supersession of inconsistent provisions.** This Amendment shall supersede the provisions of the Plan to the extent those provisions are inconsistent with the provisions of this Amendment.

### **ARTICLE II CHANGE IN STATUS**

- 2.1 **Effective Date.** This Amendment is effective as of July 1, 2014 (the first day of the current or future Plan Year).
- 2.2 **Change of election for accident and health coverage.** Notwithstanding any provision contained in this Flexible Benefits Plan to the contrary, the change in status terms are amended as follows: An Employee who elected to salary reduce through the Flexible Benefits Plan for accident and health plan coverage is allowed to prospectively revoke or change his or her election with respect to the accident or health plan during open enrollment of a Marketplace Qualified Health Plan (QHP) as outlined by the Affordable Care act (ACA).
- The new coverage in a QHP shall be effective no later than the day immediately following the last day of the original coverage that is revoked, and does not include election changes to the health FSA.
- An Employee who elected to salary reduce through the Flexible Benefits Plan for accident and health plan coverage is allowed to prospectively revoke or change his or her election with respect to the accident or health plan if Participant is moved from full-time status (at least 30 hours of service per week) to part-time status (less than 30 hours of service per week) and seek coverage in another plan that provides minimum essential coverage.

The new coverage shall be effective no later than the first day of the second month following the month that includes the date the original coverage is revoked, and does not include election changes to the health FSA.

This Amendment has been executed this 2 day of December, 2014 .

Name of Employer:

Antelope County

By: Jerald Schwager, Chairman of County Board

### **CERTIFICATE OF ADOPTING RESOLUTION**

The undersigned authorized representative of Antelope County (the Employer) hereby certifies that the following resolutions were duly adopted by Employer on December 2, 2014 (date), and that such resolutions have not been modified or rescinded as of the date hereof;

RESOLVED, that the Amendment to the Antelope County Section 125 Plan (name of the Plan) (the Amendment) is hereby approved and adopted, and that an authorized representative of the Employer is hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Amendment.

The undersigned further certifies that attached hereto is a copy of the Amendment approved and adopted in the foregoing resolution.

Date: December 2, 2014

Signed: Jerald Schwager /s/

Chairman of County Board

## **SUMMARY OF MATERIAL MODIFICATIONS (SMM)**

### **For the**

### **Antelope County Section 125 Plan**

(1) **General.** This is a Summary of Material Modifications regarding the above referenced Plan ("Plan"). This Summary of Material Modifications supplements and amends the Summary Plan Description (SPD) previously provided to you. You should retain this document with your copy of the SPD.

(2) **Identification of Employer.** The legal name, address and Federal Employer Identification number of the Employer are:

Antelope County

501 M Street

PO Box 26

Neligh, NE 68756

### **FOR FLEXIBLE BENEFITS PLANS:**

(3) **Description of Modifications.** The Employer has amended your Plan effective as of the first day of the 2014 Plan year.

If you have any questions regarding the application of this provision to you, contact your Employer.

### **CHANGE IN STATUS**

If you elected to salary reduce through your Employer's Flexible Benefits Plan for accident and health plan coverage, you are allowed to prospectively revoke or change your election with respect to the accident or health plan to begin participation during open enrollment in a Marketplace Qualified Health Plan (QHP). The new coverage in the QHP must be effective no later than the day immediately following the last day of the original coverage that is revoked, and does not include election changes to your health FSA.

If you elected to salary reduce through your Employer's Flexible Benefits Plan for accident and health plan coverage, and you moved from full-time status (at least 30 hours of service per week), to part-time status (less than 30 hours of service per week), you are allowed to prospectively revoke or change your election with respect to the accident or health plan and seek coverage in another plan that provides minimum essential coverage. The new coverage must be effective no later than the first day of the second month following the month that includes the date the original coverage is revoked, and does not include election changes to your health FSA.

Antelope County Highway Superintendent Brian McDonald met with the board to review the One and Six Year Road Program for 2015. No action taken.

Motion by Henery, seconded by Kerkman authorizing Chairman Schwager to sign the resolution vacating the county road located between Section 24 and 25, Township 24 North, Range 7 West of the 6<sup>th</sup> P.M., Antelope County, Nebraska more particularly described as that portion of 842 Road between 521 Avenue and Highway 14 with the right-of-way reverting back to the adjacent landowners. Those voting aye: Henery, Bolling, Brandt, Kerkman, Baker, Williby and Schwager. Nays none. Motion carried.

### **RESOLUTION 2014-12-0001**

### **ANTELOPE COUNTY, NEBRASKA**

WHEREAS, Antelope County considered the possible vacation or abandonment of county roadway located between Section 24 and 25, Township 24 North, Range 7 West of the 6<sup>th</sup> Principal Meridian, Antelope County, Nebraska that portion of 842<sup>nd</sup> Road between 521<sup>st</sup> Avenue and Highway 14.

WHEREAS, Antelope County directed the Highway Superintendent to make a study of the use of the road and held a public hearing to discuss possible vacation or abandonment of the above described road.

WHEREAS, it was found to be in the public interest that the County close the roadway to the traveling public.

WHEREAS, The County offered to relinquish the road to Elgin Township and did not receive written notice that they wished to assume responsibility for the roadway.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Antelope County, Nebraska, that said road be vacated and that the right-of-way revert to the adjacent landowners.

Adopted this 2<sup>nd</sup> day of December 2014, at Neligh, Nebraska.

ATTEST:

(SEAL)

BOARD OF COUNTY SUPERVISORS  
OF ANTELOPE COUNTY, NEBRASKA

Carolyn Pedersen /s/  
County Clerk

Jerald Schwager /s/  
Chairman of County Board

Motion by Williby, seconded by Kerkman to adjourn. Those voting aye: Brandt, Kerkman, Baker, Williby, Henery and Schwager. Bolling absent. Nays none. Motion carried.

Meeting adjourned at 10:33 A.M.

ANTELOPE COUNTY BOARD OF SUPERVISORS

By: \_\_\_\_\_  
Chairman of County Board

Attest: \_\_\_\_\_  
Antelope County Clerk